

Kerala Gazette No. 8 dated 25th February 2014.

PART I

Section i



GOVERNMENT OF KERALA

Law (Leg.-Publication) Department

NOTIFICATION

No. 14775/Leg.Pbn.4/2013/Law.

Dated, Thiruvananthapuram, 29th November 2013.

The following Act of Parliament published in the Gazette of India Extraordinary, Part II, Section I dated the 19th day of June, 2012 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President of India on the 19th day of June, 2012.

By order of the Governor,

C. P. RAMARAJA PREMA PRASAD,
Law Secretary.

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY
EDUCATION (AMENDMENT) ACT, 2012

(ACT NO. 30 OF 2012)

AN

ACT

to amend the Right of Children to Free and Compulsory Education Act, 2009.

BE it enacted by Parliament in the Sixty-third year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of Section 1.— In the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), (hereinafter referred to as the principal Act), in section 1, after sub-section (3), the following sub sections shall be inserted, namely:—

“(4) Subject to the provisions of articles 29 and 30 of the Constitution, the provisions of this Act shall apply to conferment of rights on children to free and compulsory education.

(5) Nothing contained in this Act shall apply to Madrasas, Vedic Pathsalas and educational institutions primarily imparting religious instruction.”.

3. Amendment of Section 2.—In the principal Act, in section 2,—

(a) in clause (d), after the word “means”, the words “a child with disability or” shall be inserted;

(b) after clause (e), the following clause shall be inserted, namely:—

“(ee) “child with disability” includes,—

(A) a child with “disability” as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) ;

(B) a child, being a person with disability as defined in clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999);

(C) a child with “severe disability” as defined in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999).

4. Amendment of Section 3.—In section 3 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

(1) Every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.

(b) in sub-section (2), the proviso shall be omitted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

‘(3) A child with disability referred to in sub-clause (A) of clause (ee) of section 2 shall, without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), and a child referred to in sub-clauses (B) and (C) of clause (ee) of section 2, have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 :

Provided that a child with “multiple disabilities” referred to in clause (h) and a child with “severe disability” referred to in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities Act, 1999 (44 of 1999), may also have the right to opt for home-based education.’.

5. Amendment of Section 21.—In section 21 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:—

“Provided that the School Management Committee constituted under sub-section (1) in respect of,—

(a) a school established and administered by minority whether based on religion or language; and

(b) all other aided schools as defined in sub-section (ii) of clause (n) of section 2,

shall perform advisory function only.”.

6. Amendment of Section 22.—In section 22 of the principal Act, in sub-section (1), for the words “School Management Committee, constituted”, the words “School Management Committee, except the School Management Committee in respect of a school established and administered by minority, whether based on religion or language and an aided school as defined in sub-clause (ii) of clause (n) of section 2, constituted” shall be substituted.

7. Amendment of Section 25.—In section 25 of the principal Act, in sub-section (1), for the words “Within six months”, the words “Within three years” shall be substituted.

8. Insertion of new Section 39.—After section 38 of the principal Act, the following section shall be inserted, namely:—

“39. *Power of central Government to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2012.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.”.
